

U.S. Department of Justice
United States Marshals Service

Case 2:09-cr-00255-DRH-ETB Document 115 Filed 11/16/11 Page 1 of 5 PageID #: 455

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF United States of America	COURT CASE NUMBER Cr-09-255
DEFENDANT NICHOLAS COSMO	TYPE OF PROCESS FINAL ORDER

SERVE → **AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
U.S. MARSHALS SERVICE 225 CADMAN PLAZA, ROM G-20, BROOKLYN, N.Y. 11201

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

FILED

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

LORETTA E. LYNCH, United States Attorney
Eastern District of New York
610 Federal Plaza, 5th Floor
Central Islip, N.Y. 11722
Attn: Brian Gappa

★ NOV 15 2011 ★
LONG ISLAND OFFICE

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please execute the FINAL ORDER and arrange to deposit the attached check into the Asset Forfeiture Fund, as per the Final Order.

09-FBI-003564 (\$24,675.26)

Signature of Attorney or other Originator requesting service on behalf of:

AUSA Vincent Lipari

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(631) 715-7864

DATE

November 4, 2011

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

No. 53

District to Serve

No. 3

Signature of Authorized USMS Deputy or Clerk

Masrulla

Date

11/7/11

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

11/7/11

Signature of U.S. Marshal or Deputy

Masrulla

Service Fee 5500	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges 5500	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

\$24,675.26 deposited into Asset Forfeiture Fund
Acct on 11/7/2011.

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

bsg:FR
F.#2009R00659

RECEIVED
2011 NOV -7 PM 1:26
US MARSHAL EDNY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

- against -

Cr. No. 09-0255

NICHOLAS COSMO

(Hurley, J.)

Defendant.

- - - - - X

FINAL ORDER OF FORFEITURE

WHEREAS, on December 11, 2010, this Court entered a Preliminary Order of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c) (the "Preliminary Order"), wherein the Defendant NICHOLAS COSMO (the "Defendant") agreed to forfeit to the United States of America the following accounts, currently seized in place, including, but not limited to: (a) Bank of America, Account No. 009476825850 held in the name of Agape World Inc. Operating Account; (b) Bank of America, Account No. 483006516924 held in the name of Agape World Merchant Advance, LLC.; (c) UBS RF 39456, in the name of Nicholas Cosmo College Fund; (d) UBS RF 39472, in the name of N. Cosmo, Lisa Lee, JTWROS; (e) UBS RF 12759, in the name of N. Cosmo, Lisa Lee, JTWROS; (f) UBS RF 20072, in the name of N. Cosmo, Lisa Lee, JTWROS; (g) Astoria Federal Savings a/c 8223617818, in the name of Lisa D. Lee; and (h) Citibank 9935076116, in the name of Nicholas Cosmo/Agape World (collectively referred to as the "Forfeited Funds"), and (i) a

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criminal forfeiture money judgment in the amount of four hundred and nine million, three hundred and five thousand and no cents (\$409,305,000.00) less the liquidated value of the Forfeited Funds (the "Forfeiture Money Judgment"), and all proceeds traceable thereto and/or as substitute assets pursuant to 21 U.S.C. § 853(p);

WHEREAS, the Forfeiture Money Judgment shall be satisfied in part by the immediate forfeiture of the Forfeited Funds on deposit in the restrained accounts. The net proceeds derived from the Forfeited Funds shall be credited toward the Forfeiture Money Judgment;

WHEREAS, legal notice of the Preliminary Order of Forfeiture was published on an official government website, www.forfeiture.gov, beginning on December 16, 2010 through and including January 14, 2011; and

WHEREAS, no third party has filed with the Court any petition or claim in connection with the Forfeited Funds, and the time to do so under 21 U.S.C. § 853(n)(2) has expired.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED, that the Preliminary Order of Forfeiture is hereby made a Final Order Of Forfeiture and all right, title and interest in the Forfeited Funds and the Forfeiture Money Judgment are hereby condemned, forfeited and vested in the United States of America and shall be disposed of according to law pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c), as property that constitutes

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or is derived from proceeds the Defendant obtained, directly or indirectly, as a result of his violations of 18 U.S.C. §§ 1341 and 1343, and/or as substitute assets pursuant to 21 U.S.C. § 853(p); and

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the United States Marshals Service and all duly authorized agents and/or contractors, are hereby authorized to seize and dispose of the Forfeited Funds in accordance with all laws and regulations; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States District Court for the Eastern District of New York shall retain jurisdiction over this case for the purpose of enforcing the Preliminary Order of Forfeiture and this Final Order of Forfeiture and any supplemental orders of forfeiture as may be necessary; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Final Order of Forfeiture shall become final as to the Defendant and at the time of sentencing shall be made part of the Defendant's sentence and included in his judgment of conviction; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Clerk of the Court shall forward five (5) certified copies of

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this Final Order to the United States Attorney's Office, 610 Federal Plaza, Central Islip, New York 11722, Attn: Brian Gappa, FSA Asset Forfeiture Paralegal.

Dated: Central Islip, New York
October 14, 2011

s/ Denis R. Hurley
~~HONORABLE DENIS R. HURLEY~~
UNITED STATES DISTRICT JUDGE

A TRUE COPY	
ATTEST	
DATE	<u>October 17</u> 20 <u>11</u>
DOUGLAS C. PALMER	
BY	<u>Patricia Best</u> CLERK
DEPUTY CLERK	